



Frank H. Murkowski, Governor

May 11, 2004

Mr. Arthur W. King  
Petitioner's Representative  
N.K.I. Box 431  
Naukati, Alaska 99950-0550

Re: Amended Notice

Dear Mr. King

On April 16, 2004, the Department of Community and Economic Development (hereinafter "DCED") notified you that the corrected petition to incorporate the City of Naukati as a second-class city (hereinafter "Petition") was accepted for filing. That action marked the beginning of the formal review process.

In that letter, DCED also enumerated the several responsibilities that you, as Petitioner's Representative, must fulfill; i.e., giving public notice of the filing of the Petition (3 AAC 110.450); serving a copy of the Petition on certain entities (3 AAC 110.460); and proving compliance with the notice and service requirements (3 AAC 110.470). A summary listing of the requirements was provided to assist you in that regard.

One aspect of the case from which several timelines are established is the deadline for filing responsive briefs and comments (3 AAC 110.640). Initially, that deadline was set as June 15, 2004. However, subsequent review of that deadline and the date the notice was first published reveals that that deadline does not meet the requirements of the cited regulation. Therefore, a new deadline for filing briefs and comments has been established, and amended notice must be given. For ease of reference, DCED has updated and reiterated the several requirements that must be fulfilled regarding notice and has also revised the summary listing thereof, which is attached.

**Public Notice of the Filing of the Petition and Opportunity for Comment.**

In accordance with 3 AAC 110.640(a), the Chairman of the Local Boundary Commission has set 4:30 p.m., Friday, July 16, 2004, as the new deadline for the receipt in this office of responsive briefs and written comments concerning the Petition.

Public notice of the filing of the Petition must be given by publication, posting, and mailing in accordance with 3 AAC 110.450. The following specific requirements must be met.

- ✓ **Publication.** The provisions of 3 AAC 110.450(a)(1) require you to publish public notice of the filing of the Petition in a display-ad format once each week for three consecutive weeks in one or more newspapers of general circulation designated by the department. DCED is required by 3 AAC 110.450(b) to specify the wording of the notice.

The Petition lists the *Island News* and the *Ketchikan Daily News* as the newspapers serving Naukati. DCED hereby designates the *Island News* as the newspaper for publication of the amended notice of the filing of the Petition. Publication of the amended notice in the *Ketchikan Daily News* is left to your discretion.

To facilitate the required publication, we have arranged on your behalf for publication of the amended notice in the *Island News* on May 17, May 24, and May 31, 2004. However, since it is the Petitioner's responsibility for publication of the notice, billings for those publications will be sent to you for payment. Because publishing constraints (not actions of the Petitioner) necessitated the amended notice, DCED will pay for the initial notice of the Petition that was published May 3 and 10, 2004, and will notify the *Island News* accordingly. Petitioner will be responsible only for publication costs of the amended notice on May 17, 24, and 31, 2004.

In the event that you elect to publish the amended notice in the *Ketchikan Daily News*, DCED is providing you with the enclosed camera-ready copy of the notice for that newspaper. The cost of such publication is the Petitioner's responsibility. However, if you arranged for publishing of the prior notice in the *Ketchikan Daily News*, DCED will pay for the costs of that prior publication.

DCED will arrange for the amended notice to be published on the State's Internet Web site, Online Public Notices <<http://notes3.state.ak.us/pn/pubnotic.nsf>>. DCED will also publish the amended notice on the Local Boundary Commission's Internet Web site <<http://www.dced.state.ak.us/dca/lbc/lbc.htm>>.

- ✓ **Posting of Notice.** In accordance with 3 AAC 110.450(a)(2), the amended notice of the filing of the Petition must be posted in *at least* the following four prominent locations readily accessible to the public within the proposed city boundaries:

1. Naukati Connection Store and Post Office bulletin board (hereinafter referred to as the "Naukati Store");
2. Naukati church bulletin board;
3. Naukati cabins laundromat bulletin board; and
4. Naukati School bulletin board.

In order to coordinate the publication and posting of the notice, the amended notice must be posted in the locations noted above no later than May 17, 2004.

Under 3 AAC 110.450(a)(3), you must ensure that the amended notice remains posted at all locations until the close of the comment period on July 16, 2004.

✓ ***Notice to Specific Individuals and Organizations.***

Under 3 AAC 110.450(a)(4), you must hand deliver or mail, postage prepaid, the amended notice of the filing of the Petition, correctly addressed to all municipalities having jurisdictional boundaries extending within twenty miles of the proposed City of Naukati boundaries. The Petition identifies only one such municipality:

City of Coffman Cove  
P.O. Box 18135  
Coffman, AK 99918

Serving the amended notice on the other entities listed in the Petition is left to your discretion.

Additionally, DCED directs that you provide the amended notice to the following:

City of Craig  
P.O. Box 725  
Craig, AK 99921

City of Klawock  
P.O. Box 469  
Klawock AK 99925

City of Thorne Bay  
P.O. Box 19110  
Thorne Bay AK 99919

The amended notice should be mailed to those entities no later than May 17, 2004.

In conjunction with arranging for publication of the amended public notice, DCED has provided the amended notice of the filing of the Petition to appropriate State officials, including members of the Local Boundary Commission, the heads of

principal agencies, and others. A list of State officials to whom DCED has provided notice will be mailed to you shortly.

***Request for Public Service Announcement.*** Under 3 AAC 110.450(a)(5), you are required to submit a request for a public service announcement of the filing of the Petition to *at least one* radio station or television station serving the community proposed for incorporation. The law further specifies that you must request that announcement be made for fourteen days following receipt of the request.

The Petition lists KRBD as the public radio station serving Naukati. Please submit the amended public service announcement to KRBD and any other radio or television stations that you desire. The request should be mailed by May 17, 2004.

### **Service of Petition.**

In accordance with 3 AAC 110.460(a), a complete copy of the Petition must be served on the City of Coffman Cove, City of Craig, City of Klawock, and City of Thorne Bay. This should be done by May 17, 2004. The copy and exhibits used for service must conform in size and color to the original Petition. If you have already served the Petition on these entities, no additional service is required as a result of the amended notice discussed herein.

### **Opportunity for Public Review of Petition Materials.**

In accordance with 3 AAC 110.460(b), you must make a **full set** of Petition documents available for public review beginning May 17, 2004, at the Naukati Store and Post Office. **In addition to the Petition itself, the “Petition documents” include all public notices, responsive briefs, the reply brief, and DCED reports.**

In addition to the Petition materials, you should provide a copy of the laws establishing standards and procedures for city incorporation. A copy of Article X, Section 7 of Alaska’s constitution, AS 29.05.011, AS 29.05.021, AS 29.05.060 – AS 29.05.140, 3 AAC 110.005 - 3 AAC 110.042, 3 AAC 110.400 – 3 AAC 110.660, 3 AAC 110.900 – 3 AAC 110.990 was enclosed with DCED's letter of April 16,2004.

The Petition documents must be made available at the Naukati Store during the times listed in the Petition. Additionally, you must “accommodate specific requests for public review of the petition documents at reasonable times in the evening and on weekend days.” The Petition documents must remain available for public review through the last date on which a court could order the Local Boundary Commission to reconsider some aspect of its decision regarding the proposal.

The Petition also indicates that the Petition documents will be made available for public review at the Naukati church, Naukati cabins laundromat, and Naukati School. As we discussed, you are certainly free to do so at your discretion. However, the location at which the documents **must be available** is the Naukati Store.

**Additional Copies of the Petition.**

The five additional complete copies of the Petition documents, required by 3 AAC 110.470, have already been provided to this office and updated to include copies of the signed and dated signature page, legal description, and maps.

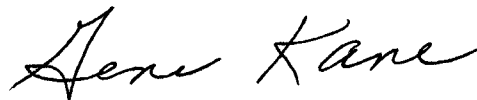
**Proof of Notice and Service.**

The deadline for submitting the affidavit required under 3 AAC 110.470 will also need to be rescheduled due to the amended notice. Accordingly, the sworn affidavit that the steps outlined herein have been completed must be filed with this office by July 22, 2004. A new form is enclosed for your use in that regard.

The affidavit should be submitted to Dan Bockhorst at the address noted on the letterhead. If you have questions or desire further information concerning any of the matters outlined in this letter, please call Mr. Bockhorst at 1-907-269-4559 or Jeanne McPherran at 1-907-269-4594.

Sincerely,

DIVISION OF COMMUNITY ADVOCACY

A handwritten signature in cursive script that reads "Gene Kane".

Gene Kane  
Director

Enclosures:

1. "Public Notice – Amended Notice of Filing of Petition to Incorporate a Second Class City of Naukati" (8.5" X 14" format for posting);
2. "Public Notice – Amended Notice of Filing of Petition to Incorporate a Second Class City of Naukati" (camera-ready version which DCED has already submitted for publication in the *Island News* as a display ad);
3. "Public Notice – Amended Notice of Filing of Petition to Incorporate a Second Class City of Naukati" (camera-ready version for publication in the *Ketchikan Daily News* if you wish to publish in that newspaper);
4. Amended Public Service Announcement of the filing of the Petition;
5. Summary listing of requirements for notice, service, and deposit of the Petition;  
and
6. Form for affidavit of notice, service, and deposit of the Petition.

cc: Ronald A. Brown, Petitioner's Alternate Representative  
Darroll Hargraves, Chairman, Local Boundary Commission  
Dan Bockhorst, Local Boundary Commission Staff Supervisor